

upon third reading and final passage and take effect from and after its passage and it is enacted.

[NOTE.—S. B. No. 80 passed the Senate by a two-third vote, yeas 22, nays 0; and passed the House of Representatives without a record vote.]

Approved April 2, 1918.

Becomes a law 90 days after adjournment.

PROTECTION OF FEMALE EMPLOYEES IN FACTORIES, MILLS, ETC.

H. B. No. 94.]

CHAPTER 58.

An Act for the protection of the health, safety and comfort of employees in factories, mills, workshops, mercantile establishments, laundries or other establishments where females are employed, providing for proper temperature and ventilation for the protection of the health of employees, requiring the removal of gas, effluvia, or odors from places where employees are required to work and means to allay dust injurious to the health of persons employed, prohibiting decomposed or putrescent matter or refuse of any kind to be allowed to remain in or around such place of employment, providing for cleaning, sweeping and dusting outside of working hours, requiring doors used by employees as entrances or exits to open outward, prescribing the number of water closets, earth closets or privies to be supplied and requiring separate closets or privies for males and females, requiring such closets or privies to be kept clean and effectively disinfected and ventilated, authorizing the Commissioner of Labor Statistics or any of his deputies or inspectors to enter any factory, mill, workshop, mercantile establishment, laundry or other establishment for making inspection and enforcing the provisions of the Act, authorizing the said commissioner, his deputies or inspectors to issue an order for the correction of unsanitary or immoral conditions or neglect to remove fumes and gases injurious to employees where females are employed; in case of failure or refusal on the part of owner, superintendent, manager or other person in control or management of such establishment giving the Commissioner of Labor Statistics, his deputies or inspectors power to close such establishment or any part of it until such time as said orders are complied with, providing how such powers may be exercised, and providing a method for testing the validity, etc., of such orders, fixing penalties for violation of provisions of the Act and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That in every factory, mill, workshop, mercantile establishment, laundry, or other establishment, adequate measures shall be taken for securing and maintaining a reasonable, and as far as possible, an equable temperature consistent with a reasonable requirement of the manufacturing process. No unnecessary humidity which would jeopardize the health of employees shall be permitted. In every room, apartment, or building used as a factory, mill, workshop, mercantile establishment, laundry or other place of employment, sufficient air space shall be provided for every person employed therein,

and which in the judgment of the Commissioner of Labor Statistics, or of his deputies and inspectors is sufficient for their health and welfare.

SEC. 2. All factories, mills, workshops, mercantile establishments, laundries and other establishments shall be kept free from gas or effluvia arising from any sewer, drain, privy or other nuisance on the premises; all poisonous or noxious gases arising from any process; all dust of a character injurious to the health of persons employed, which is created in the process of manufacturing within the above named establishment, shall be removed as far as practicable by ventilators or exhaust fans or other adequate devices.

SEC. 3. All decomposed, fetid or putrescent matter, and all refuse, waste and sweepings of any factory, mill, workshop, mercantile establishment, laundry or other establishment, shall be removed at least once each day and be disposed of in such manner as not to cause a nuisance. All cleaning, sweeping and dusting shall be done as far as possible outside of working hours, but if done during working hours, shall be done in such manner as to avoid so far as possible the raising of dust and noxious odors. In all establishments where any process is carried on which makes the floors wet, the floors shall be constructed and maintained with due regard for the health of the employees, and gratings or dry standing room shall be provided wherever practicable, at points wherever employees are regularly stationed, and adequate means shall be provided for drainage and for preventing leakage or seepage to lower floors.

SEC. 4. All doors used by employees as entrances to, or exits from factories, mills, workshops, mercantile establishments, laundries or other establishments of a height of two stories or over, shall open outward, and shall be so constructed as to be easily and immediately opened from within in case of fire or other emergencies. Proper and substantial hand rails shall be provided on all stairways, and lights shall be kept burning at all main stairs, stair landings and elevator shafts in the absence of sufficient natural light; provided that the provisions of this section shall not apply to any mercantile establishment having seven female employees or less.

SEC. 5. Every factory, mill, workshop, mercantile establishment, laundry or other establishment, shall be provided with a sufficient number of water closets, earth closets or privies, and such water closets, earth closets or privies shall be supplied in the proportion of one (1) to every twenty-five (25) male persons, and one (1) to every twenty (20) female persons, and whenever both male and female persons are employed, said water closets, earth closets or privies shall be provided separate and apart for the use of each sex, and such water closets, earth closets, or privies shall be constructed in an approved manner and properly enclosed, and at all times kept in a clean and sanitary condition, and effectively disinfected and ventilated, and shall at all times during operation of such establishment be kept properly lighted. In case there be more than one shift of not more than eight hours each of employees the average number of persons

in the establishment at any one time should be used in determining the number of toilets required.

SEC. 6. It shall be unlawful for the owner, manager, superintendent or other person in control or management of any factory, mill, workshop, mercantile establishment, laundry or other establishment where five or more persons are employed, all or part of whom are females, to permit in such place of employment any influence, practices or conditions calculated to injuriously affect the morals of such female employees.

SEC. 7. The Commissioner of Labor Statistics, or any of his deputies or inspectors, shall have the right to enter any factory, mill, workshop, mercantile establishment, laundry, or other establishment where five or more persons are employed, for the purpose of making inspections and enforcing the provisions of this Act; and they are hereby empowered, upon finding any violations of this Act by reason of unsanitary conditions such as to endanger the health of the employees therein employed, or of neglect to remove and prevent fumes and gases or odors injurious to employees, or by reason of the failure or refusal to comply with any requirement of this Act, or by reason of the inadequacy or insufficiency of any plan, method, practice or device employed in assumed compliance with any of the requirements of this Act, to pass upon and to make a written finding as to the failure or refusal to comply with any requirement of this Act, or as to the adequacy or sufficiency of any practice, plan or method used in or about any place mentioned in this Act in supposed compliance with any of the requirements of this Act, and, thereupon they may issue a written order to the owner, manager, superintendent, or other person in control or management of such place or establishment, for the correction of any condition caused or permitted in or about such place or establishment in violation of any of the requirements of this Act, or of any condition, practice, plan, or method used therein or thereabouts in supposed compliance with any of the requirements of this Act, but which are found to be inadequate or insufficient, in any respect, to comply therewith, and shall state in such order how such conditions, practices, plans or methods, in any case, shall be corrected and the time within which the same shall be corrected, a reasonable time being given in such order therefor. One copy of such order shall be delivered to the owner, manager, superintendent, or other person in control or management of such place or establishment, and one copy thereof shall be filed in the office of the Bureau of Labor Statistics. Such findings and orders shall be prima facie valid, reasonable and just, and shall be conclusive unless attacked and set aside in the manner provided therefor in Section 8 of this Act. Upon the failure or refusal of the owner, manager, superintendent, or other person in control or management of such place or establishment, to comply with such order within the time therein specified, unless the same shall have been attacked and suspended or set aside as provided for in Section 8 of this Act, the Commissioner of Labor Statistics, or his deputy or inspectors shall have full authority and power to close such place or establishment, or any part of it that may

be in such unsanitary or dangerous condition or immoral influences in violation of any requirement of this Act or of such order, until such time as such condition, practice or method shall have been corrected in accordance with such order. And the further operation or use of such place, or part thereof, ordered closed, without the correction thereof as ordered, shall subject the owner, manager, superintendent, or other person in control or management of such place or establishment to the penalties provided for in Section 9 of this Act.

SEC. 8. The owner or owners, manager, superintendent, or other person in control or management, of any place or establishment covered by this Act, and directly affected by any finding or order provided for in Section 7 of this Act, may, within fifteen days from the date of the delivery to him or them of a copy of any such order as provided for in Section 7 of this Act, file a petition setting forth the particular cause or causes of objection to such order and findings in a court of competent jurisdiction against the Commissioner of Labor Statistics. Said action shall have precedence over all other causes of a different nature, except such causes as are provided for in Article 6657, R. S., 1911, and shall be tried and determined as other civil causes in said court, provided, that if the court be in session at the time such cause of action arises, the suit may be filed during such term and stand ready for trial after ten days' notice. Either party may appeal, but shall not have the right to sue out a writ of error from the trial court, and said appeal shall at once be returnable to the proper appellate court at either of its terms, and said appeal shall have precedence in such appellate court over other causes of a different nature, except the causes provided for in Article 6657, Revised Statutes 1911. In all trials under this Section the burden of proof shall be upon the Plaintiff, to show that the findings and order complained of are illegal, unreasonable, or unjust to it or them.

SEC. 9. Any person, firm, or corporation, or any owner, manager, superintendent or other person in control or management of any factory, mill, workshop, mercantile establishment, laundry or other establishment, who shall violate any of the provisions of this Act, or who shall fail or refuse to comply with any order of correction provided for in Section 7 of this Act, unless such order shall have been attacked and set aside as provided for in Section 8 of this Act, shall be deemed guilty of a misdemeanor and upon conviction in any court of competent jurisdiction shall be punished by a fine of not less than twenty-five (\$25.00) Dollars, nor more than two hundred (\$200.00) Dollars, or by not to exceed sixty (60) days in the county jail, or by both such fine and imprisonment; and each day the law is so violated shall constitute a separate offense.

SEC. 10. There now being no adequate law upon the statute books of the State for the protection of the health, safety, comfort and morals of employees, and the fact that thousands have their health and morals impaired by unsanitary and immoral conditions in factories and other places of employment, constitutes an emergency and imperative public necessity that the Constitutional rule requiring bills to be read on three several days be, and the same is hereby suspended,

and that this Act take effect and be in force from and after its passage, and it is so enacted.

Approved April 2, 1918.

Becomes a law 90 days after adjournment.

INTERCHANGEABLE JURY LAW.

H. B. No. 97.]

CHAPTER 59.

An Act to amend Section 5, Chapter 78, page 147-148 and 149 passed at the regular session of the Thirty-fifth Legislature, known as the interchangeable jury law, so as to hereafter read as follows; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That Section five of Chapter 78, page 147-148 and 149, known as the interchangeable Jury Law, passed at the regular session of the Thirty-fifth Legislature is so amended as to hereafter read as follows:

SEC. 5. Said jurors, when impaneled, shall constitute a general panel for the week, for service as jurors in all the county and district courts in said county, and shall be used interchangeably in all of the said courts. In the event of a deficiency of said jurors at any given time to meet the requirement of all said courts, the judge having control of said general panel for the week shall order such additional jurors to be drawn from the wheel as may be sufficient to meet such emergency, but such jurors shall act only as special jurors and shall be discharged as soon as their services are no further needed. Resort to the wheel shall be had in all cases to fill out the general panel, except where waived by the parties or their attorneys; provided that by written agreement entered into by all parties to any cause or suit, or the attorneys of record in such suit or cause filed therein, the sheriff or other officer in attendance upon said court, may summon the jury needed, or any part of same, in such cause or suit by talesmen, without resorting to the jury wheel, and in such cause or suit said jurors so selected shall be paid as if regularly drawn from the jury wheel.

SEC. 2. The fact that there is no law now authorizing the summoning and selecting of a jury by agreement of all parties, and where the same has been done the county auditors and county clerks have refused to pay the same claiming that the jurors were not summoned out of the wheel as required by law, which works a great injustice upon litigants and persons who are charged with crime and demanding jury trials upon short notices in the courts in order to meet this difficulty in the law, passed by the Regular Session of this Legislature and in order that justice may be done to all parties creates an emergency and an imperative public necessity which requires the suspension of the constitutional rule that all bills be read on three